

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

TAMARA BRACKETT

PLAINTIFF

VS.

CASE NO. 03-CV-5267

RICHARD WEISS, Director
Arkansas Department of Finance and
Administration, in his official capacity, *et al.*

DEFENDANTS

ORDER

Before the Court is a Motion for Voluntary Dismissal without Prejudice filed on behalf of the Plaintiff, Tamara Brackett. (Doc. No. 104). Plaintiff seeks to dismiss her amended complaint in this matter and asks that the dismissal be without prejudice. Upon consideration, the Court finds that the motion should be and hereby is **granted** pursuant to Fed.R.Civ.P. 41(a)(2). Accordingly, the above styled and numbered case is hereby dismissed without prejudice, with the condition that if the matter is refiled in any court Plaintiff will be ordered to pay any costs and expenses, including reasonable attorneys' fees, which are duplicated as a result of refileing.

The hearing currently scheduled in this matter for Monday, October 3, 2005 is hereby cancelled and removed from the Court's docket.

IT IS SO ORDERED, this 30th day of September, 2005.

/s/Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge